

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

March 20, 2006

CALL TO PODIUM:

Greg Ossont, Director
Planning and Code
Administration

RESPONSIBLE STAFF:

Trudy Schwarz, Community
Planning Director

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Joint Public Hearing
	Historic District
	Consent Item
	Ordinance
	Resolution
X	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item
is a public hearing)

Introduced	
Advertised	11/16/2005
	11/23/2005
	12/14/2006
	12/21/2006
Hearing Date	01/03/2006
Record Held Open	03/01/2006
Policy Discussion	03/06/3006

TITLE: SDP-05-006

This is a proposal for amendment to schematic development plan (SDP) approval for 206,895 square feet of office use; 55,211 square feet of office/retail/restaurant use; and, 348 multi-family condominiums with structured parking. The subject property is located in the Washingtonian Center, Parcel K, on Washingtonian Boulevard, south of the Springhill Suites Hotel and north of Negola's Ark Veterinary Hospital, and is in the Mixed Use Development (MXD) Zone.

SUPPORTING BACKGROUND:

This is a proposal to amend the existing SDP by changing the approved 350,000 square feet (sq. ft.) of *office use* and the associated parking structure to 348 *multi-family dwellings use*, 206,895 square feet of *office use*, and 55,211 square feet of *office/retail/restaurant use* on 7.39 acres.

A Joint Public Hearing was held on January 3, 2006, by the Planning Commission and Mayor and Council. The Staff Analysis (Exhibit #102) was presented to the Planning Commission on February 15, 2006 and the Commission recommended DENIAL (Exhibit #103) of the application.

The Planning Commission, in a second motion, also recommended reexamination of Special Study Area 5/Map Designation 3 of the Master Plan to allow a creative mixed use project, consistent with MXD zoning that may include commercial, residential, office and affordable housing components

The record for the Mayor and City Council closed on March 1, 2006. A number of exhibits (#106-116) were submitted by the applicant by March 1, 2006.

Presentation: 4 Minutes

Attached: Index of Memoranda and Exhibits identified in **bold**.

DESIRED OUTCOME:

Give guidance to staff.

INDEX OF MEMORANDA

Washingtonian Ten

SDP-05-006

No.

- 1) Application for Schematic Development Plan SDP-05-001
- 2) Letter, received August 30, 2005, requesting to amend Schematic Development Plan Application & withdrawal of SDP-05-001
- 3) Letter requesting the waiving of the fee for SDP-05-006
- 4) Site Location Map
- 5) List of Adjoining & Confronting Property Owners
- 6) Phasing- Staging Plan- The Estates At Washingtonian Center
- 7) Waiver Requests in Conjunction with Schematic Development Plan Amendment Application for "Washingtonian 10" concerning Parking and Reduction in width of Parking Module/Drive Lanes
- 8) Identification Plat
- 9) Site Plan SDP (Sheet 1 of 2)
- 10) Landscape and Forest Conservation Plan/Schematic Development Plan (Sheet 2 of 2)
- 11) Stormwater Management Concept SDP (Sheet 1 of 1)
- 12) Green Area Exhibit SDP (Sheet 1 of 2)
- 13) Tree Stand Delineation approve in 1996
- 14) Site Development Plan SP-02-0001, Sheets C-2, C-6 and C-7
- 15) Building Perspective and Building Elevations (U1 & U2)
- 16) Comments from Washington Suburban Sanitary Commission
- 17) Letter, received September 13, 2005, requesting rescheduling of public hearing from Jody Kline, Miller, Miller and Canby
- 18) Letter, received October 13, 2005, from State Highway Administration (SHA), Maryland Department of Transportation

- 19) Facsimile, received October 19, 2005, from SHA Project Planning Division with comments from Consulting Engineers, Rummel, Klepper and Kahl, LLP concerning I-270 Improvements and Corridor Cities Transitway Improvements and Stormwater Management
- 20) E-mail, dated October 21, 2005, from Rob Robinson, City of Gaithersburg, to Brian Horn, Rummel, Klepper and Kahl, LLP
- 21) Letter, dated October 21, 2005, requesting publication of the Notice of Joint Public Hearing of SDP-05-006 for the Mayor and City Council and the Planning Commission in the October 26 & November 2, 2005, issues of the *Gaithersburg Gazette* and attached fax and e-mail confirmation sheet
- 22) November 2, 2005 Washingtonian Ten Staff Comments
- 23) Notice of Public Hearing as sent to properties within 200' and other interested parties on October 28, 2005, mailing list attached
- 24) E-mail, dated November 17, 2005 from Ollie Mumpower, City of Gaithersburg, concerning Traffic Information with attached e-mail and attachment from Wells & Associates, LLC
- 25) Letter, received November 17, 2005, from Jody Kline concerning Washingtonian Ten and comment from Montgomery County Department of Public Works and Transportation
- 26) E-mail, dated November 16, 2005 from Ollie Sam Farhadi, Montgomery County Department of Public Works and Transportation, concerning entrances on Omega Drive
- 27) Facsimile, received November 8, 2005, from John Borkowski and SHA Project Planning Division with comments from Consulting Engineers, Rummel, Klepper and Kahl, LLP concerning I-270 Improvements requesting Six (6) Months to Develop potential Right of Way Needs
- 28) Letter, dated November 7, 2005, requesting publication of the Notice of Joint Public Hearing of SDP-05-006 for the Mayor and City Council and the Planning Commission in the November 16 & 23, 2005, issues of the *Gaithersburg Gazette* and attached fax and e-mail confirmation sheet (This publication was due to an error in publishing by the *Gazette*)
- 29) Notice of Rescheduled Public Hearing as sent to properties within 200' and other interested parties on November 10, 2005, mailing list attached
- 30) Transmittals of Site Plans to City Departments and other agencies
- 31) Updated Traffic Assessment, Washingtonian Ten, received November 29, 2005, from Wells & Associates, LLC
- 32) Letter, received November 30, 2005, from Brian Donnelly, Macris, Hendricks & Glascock, P.A., concerning the requested Parking Waiver
- 33) Overall Site Plan (SDP-1)

- 34) Detailed Site Development Plan (SDP-2)
- 35) Landscape and Forest Conservation Plan (SDP-3)
- 36) Detailed Landscape and Forest Conservation Plan (SDP-4)
- 37) Detailed Landscape and Forest Conservation Plan (SDP-5)
- 38) Architectural Elevations (U1)
- 39) Overall Site Plan (SDP-1) (Reduced Version)
- 40) Detailed Site Development Plan (SDP-2) (Reduced Version)
- 41) Landscape and Forest Conservation Plan (SDP-3) (Reduced Version)
- 42) Detailed Landscape and Forest Conservation Plan (SDP-4) (Reduced Version)
- 43) Detailed Landscape and Forest Conservation Plan (SDP-5) (Reduced Version)
- 44) Architectural Elevations (U1) (Reduced Version)
- 45) Schematic Streetscape Photograph
- 46) Schematic Streetscape Photograph
- 47) Schematic Streetscape Photograph
- 48) Schematic Streetscape Photograph
- 49) Schematic Streetscape Photograph
- 50) Schematic Streetscape Photograph
- 51) Schematic Streetscape Photograph
- 52) Schematic Streetscape Photograph
- 53) Schematic Streetscape Photograph
- 54) Schematic Streetscape Photograph
- 55) Mayor and Council Cover Sheet – December 5, 2005 Joint Public Hearing
- 56) Letter to Gaithersburg Gazette dated December 7, 2005, requesting a Legal Ad for December 14 and 21, 2005, issues. Fax and email printed communications re same.
- 57) Notice of December 8, 2005, joint public hearing to interested parties. Labels for people notified. Rescheduled Date of Joint public hearing

- 58) Memo, dated December 13, 2005, from Ivan Humberson, Fire Marshal, to Community Planning Director Schwarz
- 59) Mayor and Council Cover Sheet – January 3, 2006 Joint Public Hearing
- 60) Washingtonian 10 Book prepared by Duany Plater-Zyberk & Company
- 61) Traffic Assessment prepared by Wells and Associates, LLC.**
- 62) Letter, received via fax January 13, 2006, from Jody Kline to Chairman Bauer re: SDP-05-006, Washingtonian Ten**
- 63) Transmittal, received January 13, 2006, from Jon Wood, The Morgan Group Inc., with a CD (Exhibit #63A) of the Washingtonian 10 video clip, site plan and illustrations
- 64) Letter, received January 18, 2006, from Jody Kline to Chairman Bauer re: SDP-05-006, Washingtonian Ten**
- 65) Copy of a series of e-mails, received via fax, from Jon Wood and Chad Edwards of The Morgan Group and Bruce Crispell, Montgomery County Public Schools re: Student Generation**
- 66) List of Site Plan Issues, January 27, 2006, prepared for a staff meeting with the developer
- 67) Transcript of the Joint Public Hearing on SDP-05-006 on January 3, 2006
- 68) Minutes of the January 3, 2006, City Council Meeting
- 69) Environmental Noise Measurement and Analysis
- 70) Natural Resource Inventory/Forest Deliniation for Parcel K, Block C
- 71) Letter, received February 3, 2006, from Jody Kline to Mayor and City Council and the Planning Commission re: SDP-05-006, Washingtonian Ten re: Affordable Housing
- 72) Cover Letter, received February 3, 2006, from Jody Kline to Trudy Schwarz re: SDP-05-006, Washingtonian Ten with Attachments
- 73) Attachment #1 – Letter, dated February 1, 2006, from James Greenan
- 74) Attachment #2 – Petition supporting the Washingtonian 10 SDP
- 75) Attachment #3 – Letter from Rick Farren
- 76) Letter, received February 3, 2006, from Jody Kline to Trudy Schwarz re: SDP-05-006, Washingtonian Ten and Parking
- 77) Letter, received February 3, 2006, from Jody Kline to Trudy Schwarz re: SDP-05-006, Washingtonian Ten and Master Plan

- 78) Letter, received February 3, 2006, from Micheal Watkins, DPZ to Mayor and City Council and the Planning Commission re: SDP-05-006, Washingtonian Ten and Master Plan Themes**
- 79) Letter, received February 3, 2006, from Dr. Negola, Negola's Ark to Mayor and City Council and the Planning Commission re: SDP-05-006, Washingtonian Ten**
- 80) Maryland State Highway Permit for grading in the State right of way for I-270**
- 81) Overall Site Plan (SDP-1)
- 82) Detailed Site Development Plan (SDP-2)
- 83) Landscape and Forest Conservation Plan (SDP-3)
- 84) Detailed Landscape and Forest Conservation Plan (SDP-4)
- 85) Detailed Landscape and Forest Conservation Plan (SDP-5)
- 86) Overall Site Plan (SDP-1) (Reduced Version)
- 87) Detailed Site Development Plan (SDP-2) (Reduced Version)
- 88) Landscape and Forest Conservation Plan (SDP-3) (Reduced Version)
- 89) Detailed Landscape and Forest Conservation Plan (SDP-4) (Reduced Version)
- 90) Architectural Plans –Building Index**
- 91) Architectural Elevations – Building Elevation #1**
- 92) Architectural Elevations – Building Elevation #2**
- 93) Architectural Elevations – Building Elevation #3**
- 94) Architectural Elevations – Building Elevation #4**
- 95) Architectural Elevations – Building Elevation #5**
- 96) Architectural Elevations – Building Elevation #6**
- 97) Architectural Elevations – Building Elevation #7**
- 98) Architectural Elevations – Building Elevation #8**
- 99) Architectural Elevations – Building Elevation #9**
- 100) Notification list of the Planning Commission Tentative February 15, 2006, agenda
- 101) Staff Comments for the Planning Commission February 15, 2006, meeting

- 102) Staff Analysis for SDP-05-006**
- 103) CPC – Planning Commission recommendation to the Mayor and City Council**
- 104) Letter, dated September 6, 2005, from Macris Hendricks and Glascock, P.A. to Don Boswell concerning approval of stormwater management for the subject property**
- 105) Letter from Dr. Daniel Negola, DVM, supporting the project**
- 106) Overall Site Plan (SDP-1) received February 28, 2006
- 107) Detailed Site Development Plan (SDP-2) received February 28, 2006
- 108) Landscape and Forest Conservation Plan (SDP-3) received February 28, 2006
- 109) Detailed Landscape and Forest Conservation Plan (SDP-4) received February 28, 2006
- 110) Detailed Landscape and Forest Conservation Plan (SDP-5) received February 28, 2006
- 111) Overall Site Plan (SDP-1) (Reduced Version) received February 28, 2006**
- 112) Detailed Site Development Plan (SDP-2) (Reduced Version) received February 28, 2006**
- 113) Landscape and Forest Conservation Plan (SDP-3) (Reduced Version) received February 28, 2006**
- 114) Detailed Landscape and Forest Conservation Plan (SDP-4) (Reduced Version) received February 28, 2006**
- 115) Detailed Landscape and Forest Conservation Plan (SDP-5) (Reduced Version) received February 28, 2006**
- 116) Letter, received March 1, 2006, from Jody Kline, Miller, Miller and Canby, re: SDP-05-006 with attachment of Letter from Mr. Watkins, DP-Z (original Exhibit #78)**

STAFF COMMENTS FOR PLANNING COMMISSION

MEETING DATE: February 15, 2006

SCHEM. DEV. PLAN: **SDP-05-006**

TITLE: **WASHINGTONIAN TEN**

REQUEST: **RECOMMENDATION TO M&C**

ADDRESS: 9711 WASHINGTONIAN BOULEVARD

ZONE: MXD (Mixed Use Development) Zone

APPLICANT/REPRESENTATIVE/ATTORNEY/DEVELOPER: (as applicable)

Applicant - Jon Wood, The Morgan Group, LLC

Attorney - Jody Kline, Miller, Miller and Canby

Engineer - Brian Donnelly, Macris, Hendricks and Glascock

Architects - Michael Watkins, DPZ and The Preston Group

STAFF PERSON: Trudy Schwarz, Community Planning Director

Enclosures:

Staff Analysis

Index of Memorandum and Exhibits (marked in **bold**)



STAFF COMMENTS

See enclosed Staff Analysis and exhibits.

Heck, Hendricks and Glascock, P.A.
Engineers Planners Surveyors Landscape Architects

3020 Vegetman Road, Suite 100
Montgomery Village, Maryland
20886-1279

Phone 301.670.0840
Fax 301.948.0693

www.mhga.com



September 6, 2005

Mr. Don Boswell
Department of Public Works
and Engineering
City of Gaithersburg
800 Rabbitt Road
Gaithersburg, MD 20878-1600



Re: The Estates at Washingtonian Center
Parcel K, Block C
MHG Project No. 2005.138.11

Dear Don:

On behalf of the Morgan Group Inc., we are requesting approval of a stormwater management concept plan for the referenced development. The project site is bounded by Washingtonian Boulevard, I-270 and the Omega Drive I-270 off ramp. Runoff from the site flows to Washingtonian Center Lake via a joint use storm drain system. Under the currently proposed concept, quality pretreatment of runoff will be provided on-site by "Bay Saver" or similar hydrodynamic stormwater quality control devices.

Recharge volume stormwater management is to be provided using stone filled recharge trenches or recharge chambers connected to the roof drains of the proposed buildings. The size and locations of these recharge devices have not been finalized and will be modified and refined as the project progresses through the planning and construction document approval process. Computations showing the required recharge volume are included.

Washingtonian Center Lake was designed to provide quality stormwater management for the subject site. It has a permanent pool with a design volume of 81.4 acre feet. This equates to more than 3.8" over the \pm 252 acre tributary watershed which greatly exceeds the maximum water quality volume requirement of 0.95". We, therefore, believe that water quality stormwater management is provided by the existing lake and no further modifications will be necessary to meet the current water quality requirements.

Washingtonian Center Lake was intended to provide quantity stormwater management for the subject site. Placing Channel Protection stormwater management within the subject parcel will provide only a small reduction in the 1-year peak discharge from the lake and an even smaller reduction in the discharge within the natural stream below the Sam Eig Culvert outfall. The Channel Protection Volume for the site is 0.69 acre feet which equates to only 0.07 feet over the surface of the lake. As shown on the attached photographs, the receiving stream channel below the Lake outfall is stable and in very good condition. The existing pond's discharge is

Mr. Don Boswell
Department of Public Works
City of Gaithersburg
September 6, 2005
Page 2 of 2

conveyed within a riprap channel or by concrete culverts to the north side of Sam Eig Highway/I-370. Below this, the receiving stream channel is also in very good condition and does not exhibit signs of erosion. The stream has a bedrock invert and is, therefore, not subject to down cutting. It is our understanding that this is the last undeveloped property within Washingtonian Center that drains through the lake and that no other similar properties were required to provide channel protection stormwater management.

Section 8-21 (e) and (f) of the stormwater management section of the City's Code of Ordinances indicate the following:

- (e) If the city has established an overall watershed management plan for a specific watershed, then the city may develop quantitative waiver and redevelopment provisions that differ from sections 8-21(b) and 8-22.*
- (f) A watershed management plan developed for the purpose of implementing different stormwater management policies for waivers and redevelopment shall:
 - (1) Include detailed hydrologic and hydraulic analyses to determine hydrograph timing;*
 - (2) Evaluate both quantity and quality management;*
 - (3) Include cumulative impact assessment of watershed development;*
 - (4) Identify existing flooding and receiving stream channel conditions;*
 - (5) Be conducted at a reasonable scale;*
 - (6) Specify where on-site or off-site quantitative and qualitative stormwater management practices are to be implemented;**

We believe that the original overall stormwater management facility constructed for Washingtonian Center is adequate to satisfy the intent of the current watershed management requirements for the proposed development. We believe the most practical approach for this project is to provide on-site quality pretreatment and groundwater recharge with quality and quantity control provided by Washingtonian Lake. We believe that the above quoted sections of the ordinance provide the City with sufficient flexibility to approve this approach.

We are available to meet to further discuss this concept at your convenience. Please call if you believe a meeting would be beneficial or if you have any questions or require more detailed information.

Sincerely,

Scott D. Roser, P.E.

CONCEPT - **FINAL APPROVAL**

CITY OF GAITHERSBURG DEPARTMENT OF PUBLIC WORKS, PARK MAINTENANCE, AND ENGINEERING	
DATE	9/9/05
BY	Don H. Boswell

The Honorable Sidney A. Katz
Mayor, City of Gaithersburg
Via E-Mail

Dear Mr. Katz:

I am Dr. Daniel C. Negola, DVM, owner of Negola's Ark Veterinary Hospital, located at 9401 Fields Road, in Gaithersburg, Md. I have been a resident of Gaithersburg since 1974, and would like to appeal to you for help. I see several thousand clients who live and work in the Gaithersburg area and discussed the Morgan Group's proposed development with them. Their personal feeling is that this is the best thing for the Gaithersburg area, opening up more stores, and residential, essentially enlarging the Rio complex.

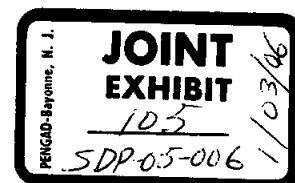
We believe it makes for a much more desirable community. It also allows for more residences in an area where there is very little residential development. I was present at the planning meeting, and it honestly appeared that the planning board very much wanted to recommend and approve this new development the way it was, and were quite impressed with it. Trudy Schwartz, who I have the greatest respect for, brought up a technicality, involving Gaithersburgs' master plan, which may hinder or completely stop this project. I know she was doing this because she felt it was the right thing to do. But I would hate to see a "technicality" stop a development that would be a great asset to Gaithersburgs' economy and quality of life.

I ask you to think about this with an open mind and understand that the alternative, a development of office space only, would not have the same positive effect on the economy or quality of life here in Gaithersburg for residents and for my hospital.

John Wood has been working with me to make me happy; I know he would work and make the City of Gaithersburg happy if just given the chance. My own hospital manager is so excited and wants to be first in line for the low cost housing. What a great opportunity for her and others to buy a home in the city and county where they work, without moving "upcounty" to Frederick or beyond. I beg you to take this under serious consideration and find a way to get around the master plan as was done with the Rio complex.

Sincerely,

Daniel C. Negola, DVM, ABVP



P.S. I would be glad to be available for brainstorming, getting a community group together, or what ever else it would take to be part of the solution for getting the Morgan Group's Development approved.

LAW OFFICES

MILLER, MILLER & CANBY

CHARTERED

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FAX (301) 762-6044

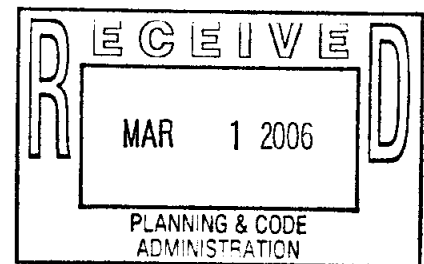
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GLENN M. ANDERSON*
MICHAEL G. CAMPBELL
SOO LEE-CHO

**Licensed in Maryland and Florida*

March 1, 2006

The Mayor and City Council of Gaithersburg
City Hall
31 South Summit Avenue
Gaithersburg, MD 20877



RE: Schematic Development Plan Amendment Application No. SDP-05-006,
Application of The Morgan Group, Inc.;

Dear Mayor Katz and Members of the City Council:

While your record is open on the above-referenced matter, I am writing to provide comments from the Applicant on recommendations found in the Staff analysis dated February 10, 2006, and the Planning Commission's recommendation to you dated February 22, 2006.

The Planning Commission's recommendations to you, containing two parts, was very informative. The Applicant was encouraged that the Planning Commission found sufficient merits in the "Washingtonian 10" proposal to warrant "...reexamination of Special Study Area 5/Map Designation 3 of the [2003] master plan to allow a creative mixed-use project consistent with MXD zoning that may include commercial, residential, office and affordable housing components." Obviously, this advice recognizes that the "Washingtonian 10" project could satisfy the planning principles of the MXD zone and the concept of the Washington Center as being a thoroughly integrated mixed-use development.

Unfortunately, the Planning Commission's lead recommendation was that "...the proposed plan is not in accordance with the 2003 Master Plan prescribing office use only for this site." This finding was based on the analysis and recommendations found in the Technical Staff Report. In the following analysis, the Applicant will demonstrate how the "Washingtonian 10" does comply with the Master Plan and that, in comparable situations, schematic development plan amendments have been approved when the applications were found to achieve more of the goals of the MXD zone and the Master Plan than would literal compliance with only the land use recommendations in the master plan.



1. It is correct that the approved Schematic Development Plan, and the 2003 Master Plan, do not recommend residential use for the subject property. That state of facts, however, does not automatically preclude a schematic development plan amendment from being approved that would introduce residential use.

“Conformance with the master plan” should be read in the broader sense of achieving the goals of the master plan, not just technical adherence to a land use category. Remember, the MXD zone is supposed to be fluid in order to promote better forms of land development! In this instance, as recognized by the Planning Commission in its secondary recommendation, the Applicant’s proposal does a better job of achieving the goals of the MXD zone and the 2003 Master Plan than does the current approved office/parking structure building configuration. As set forth in the letter of Mike Watkins dated February 3rd (attached) complimenting the City on its master plan themes, “Washingtonian 10” stacks up as a superior form of development over what has been previously approved for the subject property and for what would best benefit Washingtonian Center and the City of Gaithersburg.

In summary, the City should not look at master plan conformance as being merely compliance with the land use recommendations set forth in a master plan, but rather should study how the land use proposal satisfies the overreaching goals of the Plan and the MXD zone.

2. The Staff recommendation, adopted by the Planning Commission, suggests that a schematic development plan cannot be approved unless the Master Plan is amended. Such a course of action has not been a prerequisite employed by the City in the past. The best example of a situation where residential development was deemed to be appropriate for Washingtonian was the schematic development plan amendment initiated by the Hazel Peterson Companies in 1995 for property ultimately developed by Rocky Gorge Communities located immediately west of the subject property. In that instance, the Washingtonian SDP was amended in accordance with the provisions of paragraph 3 of the Washingtonian Annexation Agreement (X-159) that allows for changes in use approved in accordance with the “...amendatory process for the MXD zone”, being the same process which this Applicant has now undertaken in this instant application. In the case of the Rocky Gorge townhouses on Fields Road and Washingtonian Boulevard, a schematic development plan was approved in, we believe, 1995 or 1996, prior to adoption of the Neighborhood 3 Master Plan in July, 1997. Requiring an amendment of the master plan every time a better proposal is put forth for future land use would be contradictory with the flexibility inherent in the MXD zone.

3. A more analogous situation may be the Archstone proposal (Schematic Development Plan No. 01-007) approved by the City Council in July, 2002. There, the master plan did not recommend residential use for the property occupied by an Upton’s retail store and a restaurant. Indeed, the land use plan covering the subject property recommended “commercial/industrial/research/office” land use designation for those properties.

The City did not require an amendment of the master plan before approving a schematic development plan amendment that changed the land use for that property to allow for residential/office/leasing/amenity space. Indeed, the City found that the Archstone proposal was “...substantially in accordance with all of the requirements of the mixed-use development (MXD zone)”. This conclusion could only be reached by reading beyond the literal conformance of the

land use recommendations contained in the master plan and looking to the more generalized planning principles found in the Plan itself and the MXD zone.

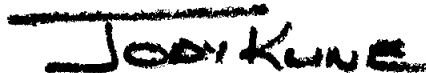
There are facts common to both the Archstone and the "Washingtonian 10" proposals. In the former case, the City placed importance in a master plan amendment that was underway at the time the Council considered the Archstone proposal. That planning effort resulted in "themes" which the "Washingtonian 10" project embodies. As stated in Mr. Watkins' February 3rd letter, the "Washingtonian 10" project represents a superior form of development that does more to achieve the goals of the MXD zone, the design concept for Washingtonian Center and the underlying planning principles found in the 2003 Master Plan than would implementation of the land use recommendations found in the Master Plan.

For the reasons set forth above, we ask that the Mayor and Council recognize the merits of the "Washingtonian 10" project as suggested in the Planning Commission's secondary recommendation, and further recognize that SDP 05-006 can be approved given its ability to satisfy an overwhelming number of the goals ("themes") of the 2003 master plan notwithstanding that the Plan did not designate residential use on the subject property.

Thank you for your consideration of these comments.

Sincerely yours,

MILLER, MILLER & CANBY

A handwritten signature in black ink that reads "Jody Kline". The signature is written in a cursive, slightly stylized font. Above the signature, there is a horizontal line that appears to be a strike-through or a separator.

Jody S. Kline

JSK/dlt

Enclosure

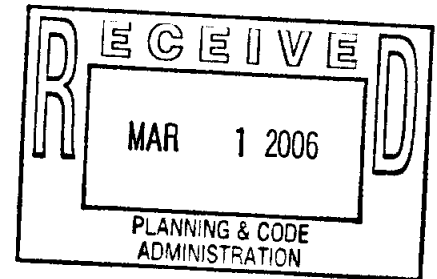
cc: Greg Ossont
Trudy Schwarz
Jon Wood
Mike Watkins
Brian Donnelly
Lisa Benjamin

February 3, 2006

The Mayor and City Council of Gaithersburg
City Hall
31 South Summit Avenue
Gaithersburg, MD 20877

and,

The Planning Commission of the City of Gaithersburg
City Hall
31 South Summit Avenue
Gaithersburg, MD 20877



RE: Schematic Development Plan Amendment Application No. SDP-05-006, "Washingtonian 10"

Dear Mayor Katz, Members of the City Council and Members of the Planning Commission:

As the Director of Town Planning for Duany Plater-Zyberk & Company, the designers of "Washingtonian 10," it is my pleasure to expand on the reasons I believe the Washingtonian 10 Schematic Development Plan warrants your approval.

It was with great interest that I read Jaime Ciavarra's piece entitled "Gaithersburg council debates controls on growth" in the January 11, 2006 edition of the Gaithersburg Gazette. In that article she reports on several comments made during your recent brainstorming retreat and I would like to be the first to follow one of your suggestions as reported in that article.

"A major concern," said Councilwoman Geri Edens, 'is whether the city is adhering to the master plan, a document created with resident support that guides Gaithersburg's land use.' The master plan themes "are supposed to provide for the vision, and they sound great, but they're not being applied in any way to what we're doing," she said. Some suggested that developers be required to present the city with a checklist of how their proposed projects fit in with Gaithersburg's master plan.'"

This is an *excellent* suggestion. It assumes, of course, that the master plan reflects the current best interests and intentions for the future of the City, but that is a reasonable starting point. Let's make a checklist of the City's Master Plan Themes and see how Washingtonian 10 stacks up.

4.1 Identity. Gaithersburg is a community that has a remarkable sense of place, with a distinct identity and strong heritage, characterized by attractive public spaces.

Washingtonian 10 contributes to Gaithersburg's sense of place in several ways.

- ☐ W10 reinforces the spatial definition of Washingtonian Boulevard by placing the fronts of buildings along the sidewalk. One could easily make the case that W10 does a much better job of this than the previously approved plan for the subject site as well as the as-built conditions of several neighboring properties which have a parking lot along the sidewalk. I trust you will agree. The parking lot between the building and the street is decidedly a suburban configuration and antithetical to the stated goals of "remarkable sense of place, with a distinct identity and strong heritage."
- ☐ W10 creates a new street that parallels Washingtonian Boulevard in the same manner in which Grand Corner Avenue parallels Washingtonian Boulevard at the other end of Washingtonian. This new street provides access to the proposed buildings from both Washingtonian Boulevard and from Omega Drive. Furthermore, it provides the potential for a continuation of this parallel street through adjacent properties to Grand Corner Avenue in the future. This new street offers a seamless active pedestrian environment lined with commercial uses thus expanding Gaithersburg's sense of place.
- ☐ W10 creates a plaza at the intersection/bend in this new street that provides a place for a larger group of people to gather. A work of civic art, shown as a fountain in the illustrations provides a focal point in the center of the plaza. Sufficient space is provided at the base of the buildings adjacent to the plaza to allow for restaurants and cafes to extend seating and tables into the plaza.

More specifically, 4.1 includes several Objectives and Action Items. Among them:

4.1 Objective A: Improve the Appearance of City Boundaries.

- ☐ The design itself of the W10 radial building adjacent to the I-270 exit ramp is a striking resolution of the dynamic Rio skyline. With the taller buildings unmistakably identifying the center of this neighborhood, the sweeping horizon curve of W10 marks the edge of both this neighborhood and the City in a complimentary and memorable fashion.

4.1 Objective B: Design Attractive Public and Private Outdoor Places such as Parks, Squares, Streetscapes and Courtyards.

- ☐ W10 completes the streetscape of Washingtonian Boulevard in a manner as good as or better than its predecessors.
- ☐ W10's design includes a new street fashioned after Washingtonian's Grand Corner Avenue.
- ☐ W10 includes a public plaza.
- ☐ W10 includes several private courtyards shaped by the residential condominiums.

Action 1: Require developers to install art in public places where appropriate.

- ☐ W10's public plaza proposes civic art at its center, represented by a fountain in the illustrations.

Action 4: Enhance City identity of existing parks through signage, trash receptacles, landscape, lighting, etc., that is truly unique to Gaithersburg.

- ☐ W10's streetscapes replicate the signage, trash receptacles, landscape, lighting, etc. of Grand Corner Avenue.

4.1 Objective C: Improve the Appearance of the City

Action 4: Require developers to install enhanced streetscape with all development and redevelopment.

- ☐ W10's developer has proposed an enhanced streetscape for its new streets.

4.3 Town Centers. Gaithersburg is a community that...affirms the designations of the existing Town Centers which offer compact and efficient neighborhoods with vibrant centralized community-based focal points that attractively combine commercial, housing, civic, cultural, educational, transportation, and recreational opportunities.

4.3 Objective B: Continue to Foster the Success of Washingtonian as a Regional Town Center.

Action 3: Encourage office, rather than residential, for the remaining density.

The proposed design does not include the total amount of commercial office space approved in the previous plan. It does, more importantly, encourage the development of the commercial component in a timely manner. The dearth of 100k sf office tenants required to pre-lease large buildings has resulted in numerous approved office sites in the City adopting a holding pattern awaiting that coveted tenant. By designing smaller buildings with smaller floor plates and ground floor retail, we can help ensure that the commercial component is in step with the market.

- ☐ The W10 proposal includes 251,800 sf of commercial space.

The sticking point, it seems, is that the W10 proposal also includes 348 condominiums. While this may not be consistent with this particular Action in the Master Plan, it is consistent with the use of the Washingtonian properties right across the street from the subject property. Furthermore, the variety of office and retail use and the replacement of some of the previously approved office space with residential in W10 supports the flexibility of the MSD zone. Residential density near employment centers and major transportation corridors makes good use of the public infrastructure investment already in place.

The 348 condominiums proposed as part of the W10 might also be considered a reasonable concession in order to achieve the many other elements of the Master Plan as outlined herein. I say "reasonable" concession because this particular type of residential unit does not have the same impact on public facilities that those other types of residential do.

Consider the traffic impact for example. Results of the traffic study conducted by Marty J Wells and Associates, using widely accepted trip-generation methodology, indicates that:

"the approved office use would generate 587 trips (511 in and 76 out) during the AM peak hour and 524 trips (89 in and 435 out) during the PM peak hour. The proposed mixed use would generate 564 trips (368 in and 196 out) during the AM peak hour and 799 trips (330 in and 469 out) during the PM peak hour. Internal trip estimates for the mixed use project were computed based on the methodology and data published by the Institute of Transportation Engineers (ITE).

A comparison of the proposed versus approved program indicates that the proposed uses would generate 23 (or 4%) fewer trips during the AM peak hour and 275 (or 52%) more trips during the PM peak hour."

It further substantiates that all four intersections studied at the City's request will not exceed the 1450 critical lane volumes as a result of this project. The traffic impact is further substantiated elsewhere in this application.

Consider the impact on schools. According to Montgomery County Public Schools, condominiums generate far fewer students than most other types of residential development. This point is substantiated elsewhere in the application.

Furthermore, the City has recently expressed growing concern about the affordability of housing in the City. (This issue is not addressed in the current master plan and represents one example of why any City's master plan should be viewed as a living document, responding to the issues of its time as well as its future.) The Washington DC area recently participated in Reality Check, a fascinating exercise in which participants grappled with the issues facing the region in the next 25 years. During this exercise we were informed that 2 million people are expected to move to this metropolitan area by 2030. During this period the demand for housing is expected to increase much more rapidly than the supply of housing (existing and units with approved zoning). If current policies continue and the gap between the supply of housing and the demand for housing continues to widen, the obvious result will be the continued increase of housing costs in the area—including the City of Gaithersburg.

The residential units of W10, would help increase Gaithersburg's housing supply. From a regional perspective it is admittedly a drop in the bucket, but for those 348 households the inclusion of these residential units with the 250,000 sf of commercial space would be significant.

The issue of housing affordability is further addressed by the location of these 348 units in a mixed-use town center. These 348 households are within close proximity to office, retail and entertainment uses. If one wage earner in a household with two is able to walk to work they may choose not to have a second car but invest that income in a mortgage. Consider this financial impact in terms of housing affordability. According to the American Automobile Association's 2005 annual report, the average cost to own and operate a new car in the U.S. is \$8,410. \$8,410 applied to a 30-year mortgage at 6% would buy an additional \$116,893 worth of housing! Now consider that automobiles *depreciate* while housing *appreciates*. Remember, too, that interest on the mortgage is tax deductible while interest on an auto loan is not.

One of the most effective decisions a municipality can make to make housing more affordable is to require a balance of uses within a neighborhood such that one need not rely on a car simply to meet one's daily needs.

Elsewhere in the subject application, the applicant "provides the basic framework for an affordable housing program that is appropriate for the Washingtonian 10 community as well as to create a prototype program to be incorporated in future development proposals in the City."

4.5 Transportation. Gaithersburg is a community that...provides a wide number of transportation choices to overcome pressing transportation issues, including but not limited to encouraging mixed-use development, use of transit, bicycling, and pedestrian-oriented urban design to reduce reliance on the automobile.

4.5 Objective A. Work with other government agencies, including the Metropolitan Washington Council of Governments, to ensure the economic vitality and high quality of life in the city and region by improving the regional transportation network.

Action 5: Support strategies that reduce peak-hour travel such as carpooling, telecommuting, bicycling, etc.

- ☐ W10 by further balancing the office/residential mix in Washingtonian reduces peak-hour travel. This is substantiated in the previously submitted traffic study. In fact, W10 reduces peak-hour travel by facilitating a mode of travel with even less impact on our public infrastructure than the cited examples—that is, walking!

4.5 Objective B: Limit new development when the transportation system can not support an increase in volume.

Action 1: Consider current congestion, funded improvements, and planned improvements when determining whether proposed development can be supported.

- ☐ W10 results in a reduced demand on transportation infrastructure when compared to the previously approved plan with 350,000 sf of office.
- ☐ In the previously referenced article, Mayor Katz is reported as saying that he is wary of approving projects centering higher density housing around major transportation hubs, “especially while plans proposed transportation, like the light rail or bus line Corridor Cities Transit way, are largely still undetermined.” Mayor Katz and others who share this sentiment should appreciate the fact that W10 does not rely on the proposed light rail system to meet any of its transportation demand.

Action 2: Mandate appropriate mitigation in order to minimize impacts to the transportation system caused by all development.

- ☐ The developer of W10 has agreed to all mitigation proposed by City, State and Federal governments.

Action 3: Mandate that proposed development which generates 50 or more peak hour trips will not be approved if it is found that unacceptable critical lane volumes of 1,450 exist at nearby critical intersection (taking into account existing and programmed transportation improvements), unless the developer makes transportation improvements that would improve the existing Level of Service (LOS).

- ☐ Critical lane volumes of 1,450 are not found in the area.

Action 4: Continue to evaluate adequacy of the transportation system through specific studies as part of development and annexation process.

- ☐ All studies requested by the City evaluating the adequacy of the transportation system have been completed and included with this application.

4.5 Objective E: Promote alternatives to single-occupant vehicle trips, such as shared-ride programs, transit, bicycling, and walking to reduce pollution and promote mobility for all residents.

- ☐ W10, as previously stated, accomplishes this by contributing to the further balancing of uses in Washingtonian and fostering alternatives to single occupant vehicle trips.

4.5 Objective H: Build transportation facilities that express a strong sense of place through a coordinated City-wide design.

Action 1: Continue to install Gaithersburg prototype bus shelters in partnership with private contractor.

- ☐ W10 includes installation of *two* Gaithersburg prototype bus shelters, one on Washingtonian Boulevard and another on Omega Drive.

4.7 Housing. Gaithersburg is a community that...offers a range of housing choices while preserving the character of existing neighborhoods and providing connectivity to adjacent areas of employment, nature, recreation, services, and shopping.

4.7 Objective B: Permit additional multi-family dwellings only to support existing town centers, encourage redevelopment, or comply with pre-existing annexation agreements.

Action 1: Where multi-family dwellings are deemed appropriate, require condominium uses unless it can be demonstrated that rental apartment uses are in the public interest.

- ☐ W10's residential units are condominiums and they support the existing Washingtonian Town Center.

Action 2: Consider approval of multi-family dwellings in or near the existing town centers.

- ☐ W10 is in Washingtonian, a designated Regional Town Center.

4.7 Objective F: Ensure that the current and future housing stock allows residents to remain in the City as their financial, employment, and familial situations change.

Action 3: Determine the impact of housing preferences on public schools and work with MCPS to address any concerns with the current schools.

- ☐ See the previously submitted school impact study for a detailed report.

4.8 Economic Development. Gaithersburg is a community that...encourages Economic Development with important jobs and businesses located only where infrastructure or capacity exists or can be improved.

4.8 Objective A: Provide employment and commercial opportunities in close proximity to residential areas.

Action 3: Identify improvements in local transportation links between existing residential communities and business areas to facilitate home-to-work trips.

- ☐ W10's internal mix of uses provides an opportunity for people to live and work in the same neighborhood and *walk to work*—utilizing the least expensive form of transportation out there. In fact, one employee of Negola's Ark has already offered to buy the first unit so he can walk to work! As a mixed use project within a mixed use town center those living elsewhere in Washingtonian may find employment at W10 and those working elsewhere in Washingtonian may find a home in W10 thus reducing demand on infrastructure outside Washingtonian.

4.8 Objective G: Encourage compatible development when non-residential uses adjacent to residential communities.

Action 1: Avoid land use designation of non-compatible uses adjacent to designated employment and commercial sites.

- ☐ W10's proposed uses, commercial and residential, are not only compatible but the same as the uses found next door, across the street and throughout the Washingtonian Town Center.

4.8 Objective J: Find innovative parking solutions that support development activities.

Action 1: Encourage shared use parking and parking structures that support multiple businesses or industries.

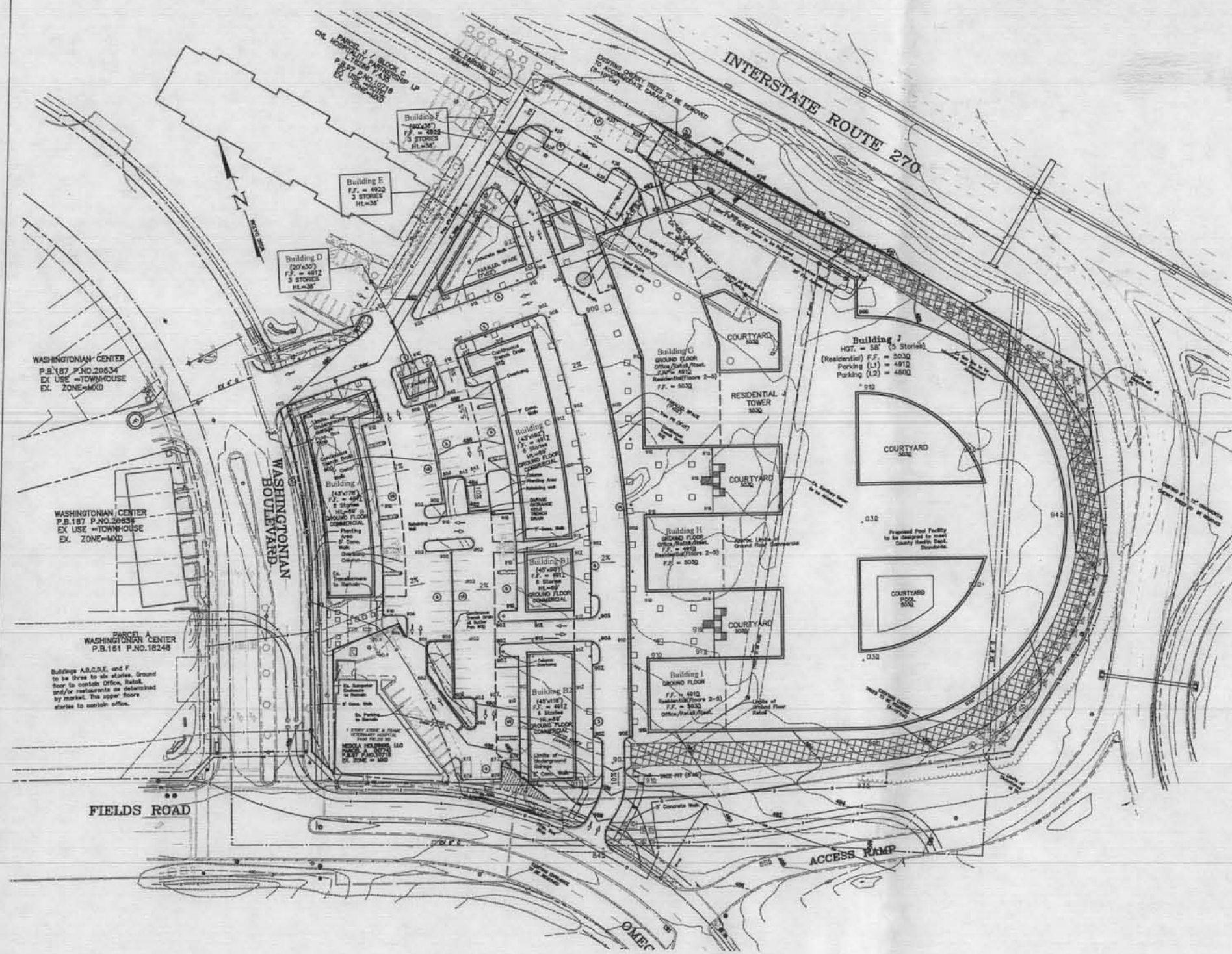
- ☐ The City's Shared Parking standards do not presently include residential use. Other jurisdictions have done so with great success thus reducing the glut of underutilized parking spaces dedicated to single uses. W10 proposes the use of Montgomery County's Shared Parking standards, which do include residential. W10 complies with these standards.

It is my hope that you will find this checklist helpful in your evaluation of the Washingtonian 10 project. Thank you for your consideration of this information.

Sincerely,

Michael D. Watkins
A.I.A., A.I.C.P., C.N.U., A.I.C.P., LEED-AP
Director of Town Planning

C: David Humpton
Fred Felton
Louise Kaufmann
Greg Ossont
Trudy Schwarz
Jon Wood
Jody Kline
Lisa Benjamin
Brian Donnelly



Legend	
Existing	Proposed
Building	Building
Ex 12" W	Prop 10" W
Ex 8" S	Prop 4" S
Ex 24" RCP	Prop 18" RCP
375	364
Water Line	Water Line
Sanitary Sewer	Sanitary Sewer
Curb and Gutter	Curb and Gutter
Storm Drain	Storm Drain
Tree Line	Tree Line
Contour	Contour



- Boundary information from Alta survey prepared by Rodgers Consulting dated 04/24/02.
- Topographic information prepared by Aerial method and supplemented by Field Run and previously approved Plans.
- Water and sewer category W-1 and S-1 respectively.
- Subject property does not contain 100-year flood plain area with a drainage area greater than 400 acres.

- NOTES:**
- Curbs, gutters, sidewalks, and paving shall be installed in such a manner as to provide positive drainage of all areas so there is no accumulation of surface water.
 - All perimeter, paving edges and islands shall be curbed.
 - All Parking, Storm Drain, Utility and Improvements on this Parcel are Private and the Maintenance to be the Responsibility of the Owner.
 - The maximum permitted grade on lot is 3:1. The Contractor must adjust any slope as necessary to meet Existing Grade.

SITE TABULATION

- Gross Tract Area = 322,066 sq. ft. or 7.39 acres
- Property Information:
Washingtonian Center - Parcel K/Block C
Address: 9711 Washington Blvd.
Tax I.D. #03244450
Plan # 20870 (L. 23100 F. 459)
- Zone = MCD
- Proposed Use = Mixed Use (Office, Multifamily Residential, Commercial)
- Building Allowable Height = 100'
- Residential Area = 198,521 sq. ft.
Residential Green Area Required = 40.0% or 79,084 sq. ft.
Residential Green Area Proposed = 42.3% or 84,000 sq. ft.
Commercial Area = 123,545 sq. ft.
Commercial Green Area Required = 25.0% or 30,886 sq. ft.
Commercial Green Area Proposed = 26.4% or 32,700 sq. ft.
- Parking Required:
Office: 202,200 sq. ft. x 1.0 space per 300 sq. ft. = 674.0 spaces
Office/Retail: 40,500 sq. ft. x 4.5 spaces per 1000 sq. ft. = 182.3 spaces
Restaurant (Class A): 12,000 sq. ft. x 1.3 spaces per 1000 sq. ft. = 15.6 spaces
Residential: 174 Two Bedroom x 2.0 spaces per Dwelling unit = 348 spaces
124 Three Bedroom x 2.5 spaces per Dwelling unit = 310 spaces
348 Total Units Total Residential = 783 spaces
Hotel: 52 spaces
Per Shared Parking Agreement to serve the existing Parcel J (Liber 17219/Folio 53)
Veterinary Clinic: 14 spaces
14 spaces will be provided to serve the existing Parcel A (Nagala Property)

Mixed Use-Credits		Weekday		Weekend		Night time		
	Day	Evening	Day	Evening	Day	Evening	Night time	
Retail	109.4	60%	164.0	90%	182.3	100%	127.6	70%
Restaurant	78	50%	156.0	100%	156.0	100%	156.0	100%
Residential	392	50%	783	100%	783	100%	783	100%
Office	674.0	100%	68	10%	68	10%	34	5%
Hotel*	39	75%	52	100%	39	75%	52	100%
Veterinary	14	—	14	—	14	—	14	—
Total	1,306 spaces		1,237		1,243		1,167	
Automobile Class A							895	

- Assume Class A Restaurant to occupy 20% of Ground Floor Retail

Parking Provided	Standard	ISC	Total
Proposed Garage =	1,123	20	1,143
Proposed Surface =	155	4	149
Total Provided	1,278	24	1,306 spaces***

Handicapped spaces Required/Provided 2% or 24 spaces
2% of first 1,000 spaces provided, plus 1 space per 100

* 32 spaces are subject to a Shared Parking Agreement to serve the existing Parcel J (Liber 17219/Folio 53)

** A parking reduction is being requested as part of this Schematic Development Plan approval per Section 24-222A (1). A reduction in parking for the Multi-family residential portion of the development using mixed use credits for weekday day parking usage.

*** Parking provided based on Weekend day peak hour use.

A MARYLAND REGISTERED PROFESSIONAL ENGINEER OR ARCHITECT SEAL AND SIGNATURE ON PLANS WILL BE ACCEPTED AS PRIMA FACIE EVIDENCE THAT PLANS ARE IN COMPLIANCE WITH APPLICABLE CODES AND REGULATIONS

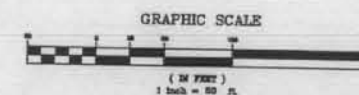
Call "Miss Utility" at 1-800-257-7777, 48 hours prior to the start of work.
The excavator must notify all public utility companies with underground facilities in the area of proposed excavation and have those facilities located by the utility companies prior to commencing excavation. The excavator is responsible for compliance with requirements of Chapter 36A of the Montgomery County Code.

CITY OF GAITHERSBURG MAYOR & COUNCIL
31 SOUTH SUMMIT AVENUE, GAITHERSBURG, MARYLAND 20878
SCHEMATIC DEVELOPMENT PLAN APPROVAL
AT THE REGULARLY SCHEDULED MEETING OF THE MAYOR AND CITY COUNCIL, HELD ON _____
APPLICATION NO. _____
SCHEMATIC DEVELOPMENT PLAN APPROVAL
BY RESOLUTION _____
DATE _____
NOTE: ANY REVISIONS TO SIGNED PLANS MUST BE REAPPROVED BY THE MAYOR & CITY COUNCIL

TOWN PLANNER
DUANY PLATER-ZYBERK & COMPANY
320 FIREHOUSE LANE
GAITHERSBURG, MARYLAND 20878
ATTN: MIKE WATKINS
301-948-6223

APPLICANT
THE MORGAN GROUP, INC.
46161 WESTLAKE DRIVE, SUITE 230-B
POTOMAC FALLS, VA. 20165
ATTN: JON C. WOOD
703-433-9994

OWNER
ORIX GAITHERSBURG LLC
100 N. RIVERSIDE PLZ. #1400
CHICAGO, ILL. 60606-1508



REVISIONS	
NO.	DATE
3	02/28/06
2	02/03/06
1	11/28/05

TAX MAP F5582

OVERALL SITE PLAN
SCHEMATIC DEVELOPMENT PLAN
WASHINGTONIAN TEN
PARCEL K, BLOCK C
9TH ELECTION DISTRICT - CITY OF GAITHERSBURG - MARYLAND

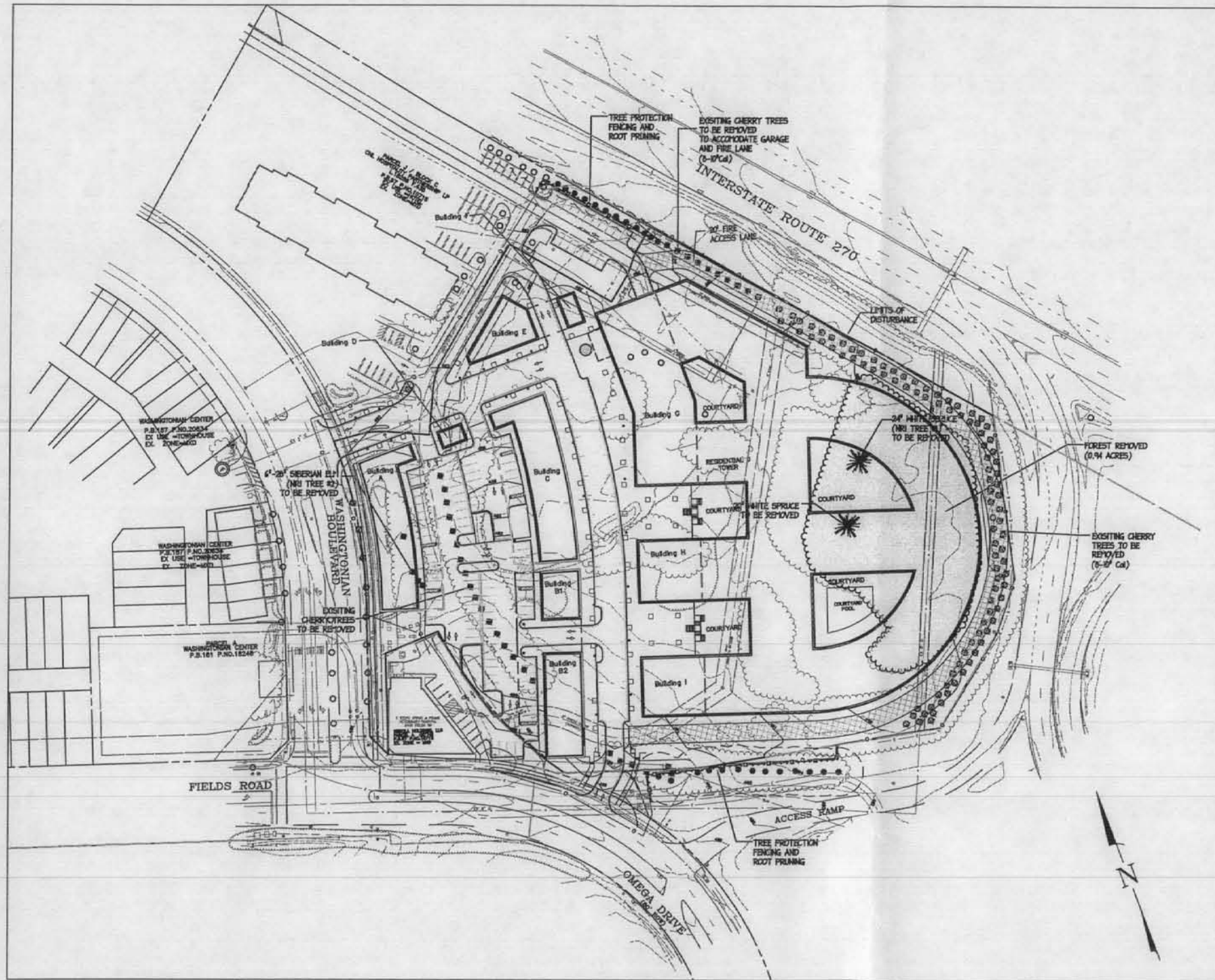


Macris, Hendricks & Glascock, P.A.
Engineers • Planners
Landscape Architects • Surveyors
1230 Wrightman Road, Suite 120
Montgomery Village, Maryland 20886-1278
Phone: 301-270-0840
Fax: 301-348-0093
www.mhgc.com

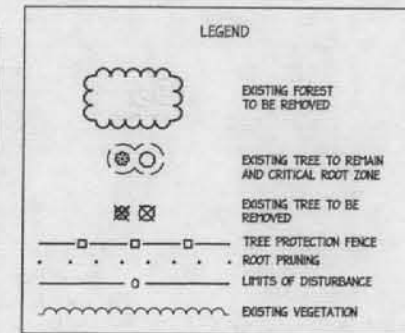
Proj. Mgr. Designer
S.D. S.D.
Date Scale
08/28/05 1"=50'
Project No. Sheet
05-136-11 1 of 2

SDP-1
SPD-05-006
WSSC 221 NW 69

REVISIONS		
NO.	DATE	DESCRIPTION
3	02/28/06	Respond to City Comments
2	02/03/06	Respond to City Comments
1	11/28/05	Respond to City Comments



FOREST AND TREE REMOVAL



FOREST CONSERVATION WORKSHEET
"The Estates at Washingtonian Center"

NET TRACT AREA:

A. Total tract area	7.39
B. Land dedication acres (parks, county facility, etc.)	0.00
C. Land dedication for roads or utilities (not being constructed by this plan)	0.00
D. Area to remain in commercial agricultural production/use	0.00
E. Other deductions (specify)	0.00
F. Net Tract Area	7.39

LAND USE CATEGORY:
Input the number "1" under the appropriate land use, limit to only one entry.

ARA	MOR	IDA	HDR	MPD	CIA
0	0	0	0	1	0

G. Afforestation Threshold ... 15% x F = 1.11
H. Conservation Threshold ... 20% x F = 1.48

EXISTING FOREST COVER:

I. Existing forest cover	0.94
J. Area of forest above afforestation threshold	0.00
K. Area of forest above conservation threshold	0.00

BREAK EVEN POINT:

L. Forest retention above threshold with no mitigation	0.00
M. Clearing permitted without mitigation	0.00

PROPOSED FOREST CLEARING:

N. Total area of forest to be cleared	0.94
O. Total area of forest to be retained	0.00

PLANTING REQUIREMENTS:

P. Reforestation for clearing above conservation threshold	0.00
Q. Reforestation for clearing below conservation threshold	1.88
R. Credit for retention above conservation threshold	0.00
S. Total reforestation required	1.88
T. Total afforestation required	0.17
U. Total Planting Requirement	2.05

PLANTING CREDITS:

V. Credit for landscaping	0.00
W. Balance of reforestation and afforestation required	2.05

TOTAL FORESTATION REQUIRED:	2.05 AC
FORESTATION PROVIDED:	0.00 AC
- CREDIT FOR LANDSCAPING:	0.00 AC
- OFF-SITE PLANTING OR FEE-IN-LIEU REQUIRED:	2.05 AC
TOTAL:	2.05 AC



CITY OF GAITHERSBURG
31 SOUTH SUMMIT AVENUE
GAITHERSBURG, MARYLAND 20877

FCP APPROVAL

THE CITY OF GAITHERSBURG DEVELOPMENT REVIEW TEAM HEREBY GRANTS APPROVAL OF FOREST CONSERVATION PLAN FOR APPLICATION NO. CSP-

DATE _____ BY _____

Call "Miss Utility" at 1-800-257-7777, 48 hours prior to the start of work.
The excavator must notify all public utility companies with underground facilities in the area of proposed excavation and have those facilities located by the utility companies prior to commencing excavation. The excavator is responsible for compliance with requirements of Chapter 35A of the Montgomery County Code.

OWNER
ORIX GAITHERSBURG LLC
100 N. RIVERSIDE PLZ. #1400
CHICAGO, ILL. 60606-1508

APPLICANT
THE MORGAN GROUP, INC.
46161 WESTLAKE DRIVE, SUITE 230-B
POTOMAC FALLS, VA. 20165
ATTN: JON C. WOOD

REVISIONS		
NO.	DATE	DESCRIPTION
1	11/28/05	Respond to City Comments
2	2/2/06	rev. NW and bldg footprint
3	2/27/06	Adjust plants for rev layout

TAX MAP PS 562

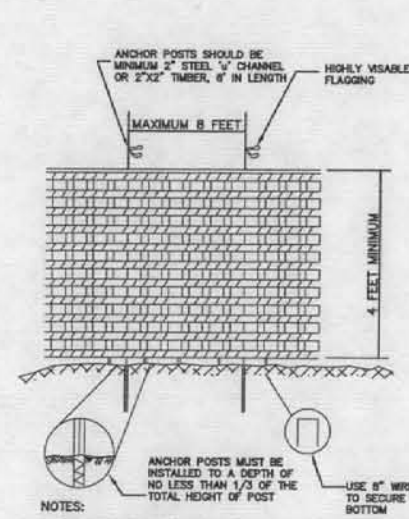
SDP-3
SPD-05-006
WSSC 221 NW 09

LANDSCAPE AND FOREST CONSERVATION PLAN
SCHEMATIC DEVELOPMENT PLAN
WASHINGTONIAN TEN
PARCEL K, BLOCK C
9TH ELECTION DISTRICT - CITY OF GAITHERSBURG- MARYLAND

MHG Macris, Hendricks & Glascock, P.A.
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9220 Wiggman Road, Suite 120
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Phone: 301.670.0840
Fax: 301.548.0093
www.mhg.com

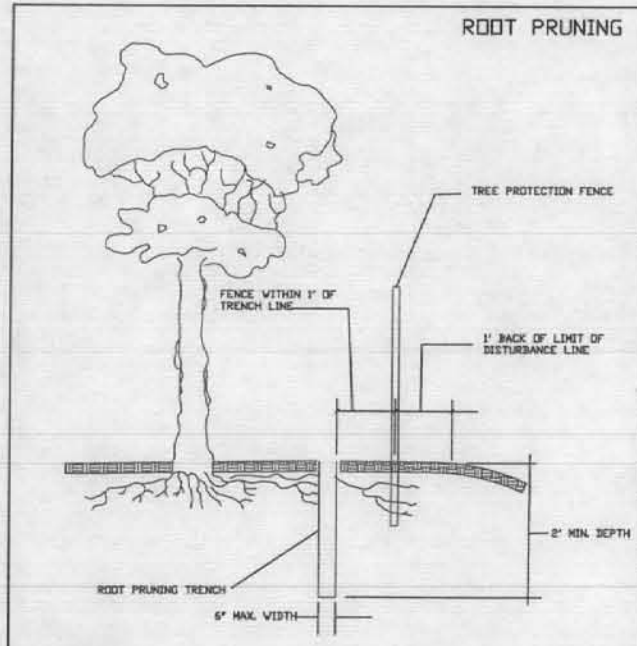
Proj. Mgr. SJD
Design: SJD/USH
Date: 11/22/05
Scale: 1"=50'
Project No. 05-138-11
Sheet: 1 of 3

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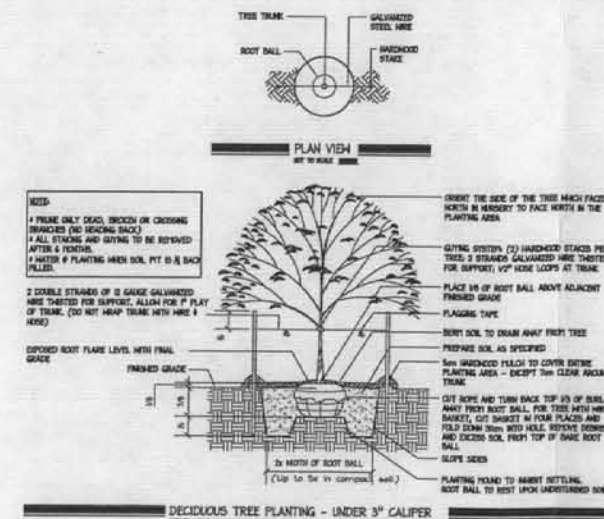


- NOTES:
1. Forest protection device only.
 2. Retention Area will be set as part of the review process.
 3. Boundaries of Retention Area should be staked and flagged prior to installing device.
 4. Root damage should be avoided.
 5. Protective signage is required.
 6. Device should be maintained throughout construction.

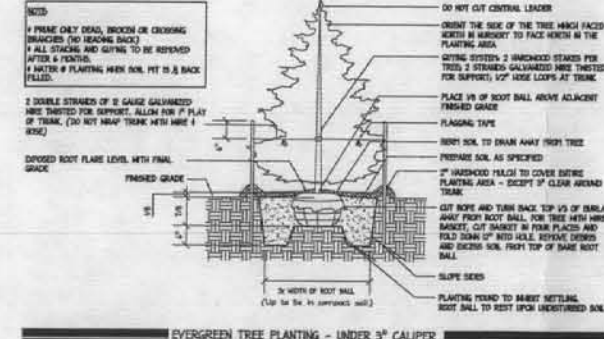
TREE PROTECTION FENCE



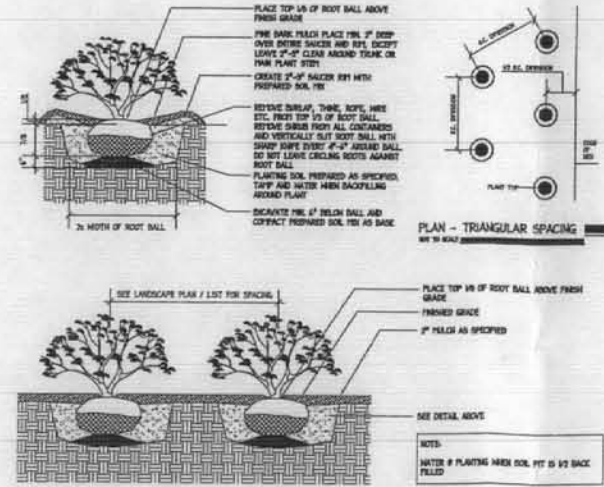
- NOTES:
1. Retention Areas will be set as part of the review process.
 2. Boundaries of Retention Area should be staked and flagged prior to trenching.
 3. Exact location of trench should be identified.
 4. Trench should be immediately backfilled with soil removed or other high organic soil.
 5. Roots should be clearly cut using vibratory knife or other acceptable equipment.



DECIDUOUS TREE PLANTING - UNDER 3" CALIPER



EVERGREEN TREE PLANTING - UNDER 3" CALIPER



SHRUB & MASS SHRUB PLANTING

PLANTING NOTES

- Description: Planting shall consist of handling and installing plant material as shown on the plans. Care and replacement necessary to complete the work as specified shall be provided.
- The Landscape Plan is to be used for planting purposes only.
- General Notes:
1. Individual homeowners must be notified of least one week prior to installation of plants on lots that have an occupied dwelling. Unless otherwise stipulated, plant installation shall comply with the standards in the latest edition of "Landscape Specifications Submittals," developed by the MD-DC-VA chapter of the Landscape Contractors Association.
 2. All trees are to be installed a minimum distance of 5' from all utility lines, 15' from a storm drain inlet or manhole, 10' from a fire hydrant, 10' from any public street light, 5' from any driveway apron, 20' from any traffic control sign, and at least 30' from any intersection.
 3. Location of street trees may be subject to change in order to avoid conflict with street lighting.
 4. Any planting within a forest retention area, as designated on the forest conservation plan and shown on this plan, must be done to avoid any adverse impact on the roots of existing trees.
 5. Plant type, size, and quantity substitutions are permitted only with written approval from the Planning and Code Administration.
 6. All plant material will be inspected for quality by the Planning and Code Administration prior to delivery to the site. A 10 percent maintenance bond will be retained during this time period.
 7. All plants must meet the standards of the latest edition of American Standard for Nursery Stock, as approved by the American Association of Nurserymen.
 8. No plant shall be located in areas of adverse pond drainage. If such conditions exist, contact the landscape architect immediately to relocate affected plant material.
 9. Soil conditions must be tested, verified and adjusted by the landscape contractor to insure that appropriate soil composition and soil levels are achieved for plant materials specified for that specific location.
- Plant Material:
1. The installer shall make arrangements to insure a supply of the required material. This shall be done six (6) months prior to planting time to guarantee the supply.
 2. Plant material must be selected from nurseries that have been inspected by the City of Gaithersburg.
 3. All plant material shall be obtained from mid-Atlantic area nurseries, and approved by the owner or duly authorized representative prior to planting.
 4. Plant material shall be provided with plant identification tags listing the botanical and common names. The tags shall not be removed until after final certification by the landscape architect.
- B. Planting:
1. Planting will be installed no later than (1) year after completion of the construction project.
 2. Root Stock of the plant material shall be kept moist during transportation from the source to the job site and until planted. Plant material left unattended shall be protected from direct sun and weather and kept moist.
 3. Cordons or wire bundles containing the root ball shall be removed upon delivery to the site.
 4. Plants shall be installed only between the months of January and May or between September and December when the ground is not frozen. Plants shall be guaranteed for a two-year period from the time of installation. Any replacement must be installed as shown.
 5. All trees are to be installed as shown on drawings.
 6. The installer shall adequately water all plants promptly following installation to insure plant growth.
 7. Location of the plant material shall take place at the end of each day through September 1. If the end of the day is not reached, the contractor is responsible for making himself familiar with all the existing on-site conditions prior to installation of the plant material. The contractor is responsible for the location of all underground utilities, pipes, and structures. Contractor shall take sole responsibility for any root located due to damage of soil erosion. Call 800-458-0888, 48 hours prior to digging (1-800-357-7777).
 8. All plants shall be placed as we need to obstruct drainage.
 9. All newly planted trees shall be pruned as necessary to remove dead branches or to create uniform shape. Do not prune leader.
 10. All plants shall be installed as shown on drawings.
 11. Where field conditions exist which would adversely affect plant performance, or interfere with proper planting procedures, the contractor shall notify the Owner prior to installation of plant material.
 12. All plants to be installed shall be backfilled to a depth of three inches in landscape areas.
 13. Contractor to confirm quantity of plant material by plan count. Notify landscape architect of any discrepancy prior to planting.
- C. Clean Up:
1. Final Clean up shall be the responsibility of the installer and consist of removing all trees and materials hazardous to the project and properly disposing of them off site. In addition the contractor shall remove all debris and materials from the site.
 2. There shall be no open burning on-site.
 3. The contractor shall replace or repair all or part to the owner, all site areas or surrounding areas damaged by work of his contractor.
 4. During landscape work, store materials and equipment where directed. Keep pavement clean and work areas in an orderly condition.

FOREST CONSERVATION PLANTING NOTES

- Pre-construction:
1. Clearing limits shall be rough staked by developer in order to facilitate location for fencing and fencing installation.
 2. An on-site pre-construction meeting shall be required after the limits of disturbance have been staked and flagged, but before any clearing or grading begins. The meeting shall be held at least 48 hours prior to beginning construction. The meeting shall include construction supervisor, equipment operator, developer's representative, tree professional, City of Gaithersburg staff, and other sediment control inspectors.
 3. No clearing or grading shall begin in areas where tree treatment and preservation measures have not been completed, unless otherwise permitted by the City. The sequence of tree treatment and preservation measures shall be:
 - A. Root pruning
 - B. Tree protection fencing
 - C. Aeration system installation
 - D. Sign installation
 - E. Tree pruning and chemical treatment
 - F. Mulch treatment
 - G. Tree removal
 - H. Tree preservation
 - I. Tree preservation
 - J. Tree preservation
 - K. Tree preservation
 - L. Tree preservation
 - M. Tree preservation
 - N. Tree preservation
 - O. Tree preservation
 - P. Tree preservation
 - Q. Tree preservation
 - R. Tree preservation
 - S. Tree preservation
 - T. Tree preservation
 - U. Tree preservation
 - V. Tree preservation
 - W. Tree preservation
 - X. Tree preservation
 - Y. Tree preservation
 - Z. Tree preservation
- Planting:
1. Contractor to install retention area and remove all invasive plants (Acacia, mulberry, etc.) and apply herbicide to eliminate competition of seed and saplings.
 2. All plant material shall be approved by the Owner or duly authorized representative prior to planting. If plant material is not available substitutions may be made with prior approval from the developer and the City.
 3. Size and standards of plant material shall conform to latest edition of "Landscape Specifications Submittals," by the American Association of Nurserymen, Inc. (AAN).
 4. All plants shall be placed as we need to obstruct drainage.
 5. Plants shall be installed randomly in a triangular or staggered pattern (not in a straight line). RAB stock shall be spaced minimum 10-12 feet on center.
 6. Slow release fertilizer (concentrate 10-10-5) shall be applied at the time of planting at the rate of 800 lbs. per acre.
 7. Where field conditions exist which would adversely affect plant performance, or interfere with proper planting procedures, the contractor shall notify the Owner prior to installation of plant material.
 8. All trees are to be installed a minimum distance of 5' from all utility lines, 15' from a storm drain inlet or manhole, 10' from a fire hydrant, 10' from any public street light, and 5' from any driveway apron.
 9. Remove litter and debris as required during the first growing season and at the beginning of the second growing season.
 10. Plants shall be installed only between the months of January and May and between September and December when the ground is not frozen. Plants shall be guaranteed for one-year period from the time of installation. Any replacement must be installed as shown.
 11. All disturbed areas within Forest Conservation boundaries are to be seeded with Southern Tall Fescue Seed, Inc. (715-988-3125), Native/Naturalized Whiteflower Seed Mix (Northwest) at a rate of 23 pounds per acre.
- Maintenance:
1. The plant material shall be maintained by the owner/developer for two (2) years after the completion. Maintenance shall consist of:
 - A. Remove and replace all dead or diseased vegetation.
 - B. Remove all invasive plants.
 - C. Necessary watering, fertilization, or pest control.
 - D. Shall not be moved unless directed by the City of Gaithersburg.
 2. Maintenance of the afforestation/reforestation area for a period of two years is required. During this maintenance period the health and vigor of the planting shall be monitored and any necessary actions to correct existing problems. The following inspection schedule shall be carried out:
 - Year 1 and 2: Two inspections per year: 1st inspection in the beginning of the growing season (May or June), and 2nd inspection at the end of the growing season (September or October).
 3. The contractor shall provide a two-year warranty on all plants. The two-year warranty period shall run concurrent with the two-year maintenance period required by the City of Gaithersburg.
 4. At the end of the maintenance period a final inspection shall be set up at the site with the Owner or owner's representative and a staff member from the City to insure that the required afforestation/reforestation survival rate has been achieved.

SEQUENCE OF CONSTRUCTION

1. Schedule a pre-construction meeting with the Developer's representative, Construction Superintendent, tree professional, City of Gaithersburg staff, and sediment control inspector. Call at least 48 hours prior to beginning construction. Contact MHA Utility at 1-800-257-7777 for water and sewer locations at 301-309-3093, 48 hours prior to any land disturbance.
2. Install sediment control devices. Install Tree Protection Fencing.
3. Clear, grub, and begin excavating and grading.
4. Begin building construction.
5. Begin storm drain construction.
6. Begin water & sewer and other utility construction.
7. Begin stormwater management facility construction.
8. Begin curb & gutter and paving.
9. As various areas are completed, place topsoil and seed/soil on grassed areas in conformance with these plans and the "Standard Erosion and Sediment Control Notes."
10. Schedule a pre-planting meeting with City staff.
11. Upon completion and site stabilization, and with the approval of the sediment control inspector, all sediment control structures shall be removed.
12. Upon completion of planting, conduct final inspection with City staff.
13. Remove tree protection fence.

CITY OF GAITHERSBURG
31 SOUTH SUMMIT AVENUE
GAITHERSBURG, MARYLAND 20877

FCP APPROVAL

THE CITY OF GAITHERSBURG DEVELOPMENT
REVIEW TEAM HEREBY GRANTS APPROVAL
OF FOREST CONSERVATION PLAN FOR
APPLICATION NO. CSP-
DATE BY

REVISIONS			
NO.	DATE	DESCRIPTION	BY
3	2/27/06	Adjust plants for rev layout	OSH
2	1/31/06	rev. NRE and bldg footprint	OSH
1	11/28/05	Respond to City Comments	

TAX MAP FS 562

LANDSCAPE AND FOREST CONSERVATION PLAN DETAILS
SCHEMATIC DEVELOPMENT PLAN

WASHINGTONIAN TEN
PARCEL K, BLOCK C
9TH ELECTION DISTRICT - CITY OF GAITHERSBURG- MARYLAND

SDP-5
SPD-05-006
WSSC 221 NW 09

Prof. Mgr. Designer
S.D./GSH

Date 11/22/05
Scale AS NOTED

Project No. 05-138-11
Sheet 3 of 3

Macris, Hendricks & Glascock, P.A.
Engineers • Planners
Landscape Architects • Surveyors

8220 Weyman Road, Suite 120
Montgomery Village, Maryland
20886-1279

Phone 301.670.0840
Fax 301.848.0603
www.mhgc.com

JOINT
EXHIBIT
115
SDP-05-006
1/3/06

COMMUNICATION: PLANNING COMMISSION

MEMORANDUM TO: Mayor and City Council

VIA: David Humpton, City Manager

FROM: Trudy Schwarz, Community Planning Director

DATE: February 22, 2006

SUBJECT: SDP-05-006 -- Jody Kline, Miller, Miller and Canby, for The Morgan Group, Inc.
Request for schematic development plan approval for 206,895 sq.ft. of office use, 54,211 sq.ft. of office/retail/restaurant use and 348 multi-family condominiums with structured parking. The subject property is located in the Washingtonian Center, Parcel K, on Washingtonian Boulevard, south of the Springhill Suites Hotel and north of Negola's Ark Veterinary Hospital and is in the Mixed Use Development (MXD) Zone.

At its regular meeting on February 15, 2006, the Planning Commission made the following motions:

Commissioner Levy moved, seconded by Commissioner Kaufman, to recommend DENIAL of Schematic Development Plan SDP-05-006 to the Mayor and City Council, finding that it does not comply with Zoning Ordinance § 24-160D.4(a)(1) as the proposed plan is not in accordance with the 2003 Master Plan prescribing office use only for this site.

Vote: 4-0

Commissioner Kaufman moved, seconded by Commissioner Levy, to recommend to the Mayor and City Council reexamination of Special Study Area 5/Map Designation 3 of the Master Plan to allow a creative mixed use project, consistent with MXD zoning that may include commercial, residential, office and affordable housing components.

Vote: 4-0

COMMUNICATION: PLANNING COMMISSION

MEMORANDUM TO: Planning Commission

FROM: Trudy Schwarz, Community Planning Director

DATE: February 15, 2006

SUBJECT: Staff Analysis SDP-05-006 - Application for schematic development approval (SDP) for 206,895 square feet of office use, 55,211 square feet of office/retail/restaurant use¹ and 348 multifamily condominiums with structured parking. The subject property is located in the Washingtonian Center, Parcel K, on Washingtonian Boulevard, south of the Springhill Suites Hotel and north of Negola's Ark Veterinary Hospital, in the Mixed Use Development (MXD) Zone.

APPLICANT:

The Morgan Group, Inc.
c/o Jody Kline, Miller, Miller & Canby
200-B Monroe Street
Rockville, Maryland 20850

OWNER:

ORIX Gaithersburg, LLC
100 North Riverside Plaza
Chicago, Illinois 60606

LOCATION:

The subject property is located in the Washingtonian Center, on Washingtonian Boulevard, south of the Springhill Suites Hotel and north of Negola's Ark Veterinary Hospital, in the Mixed Use Development (MXD) Zone. The property is identified as Parcel K, Block C, Washingtonian Center, and contains 7.39362 acres.

¹ The square footage of office space was increased from 147,848 to 206,895 square feet and the amount of office/ retail/restaurant space was reduced from 55,211 to 54,511 square feet after the submission of the original application and the public notices were sent. (See the site plan, Exhibit #33 & #86, and page 4 of the Transcript, Exhibit #67.)

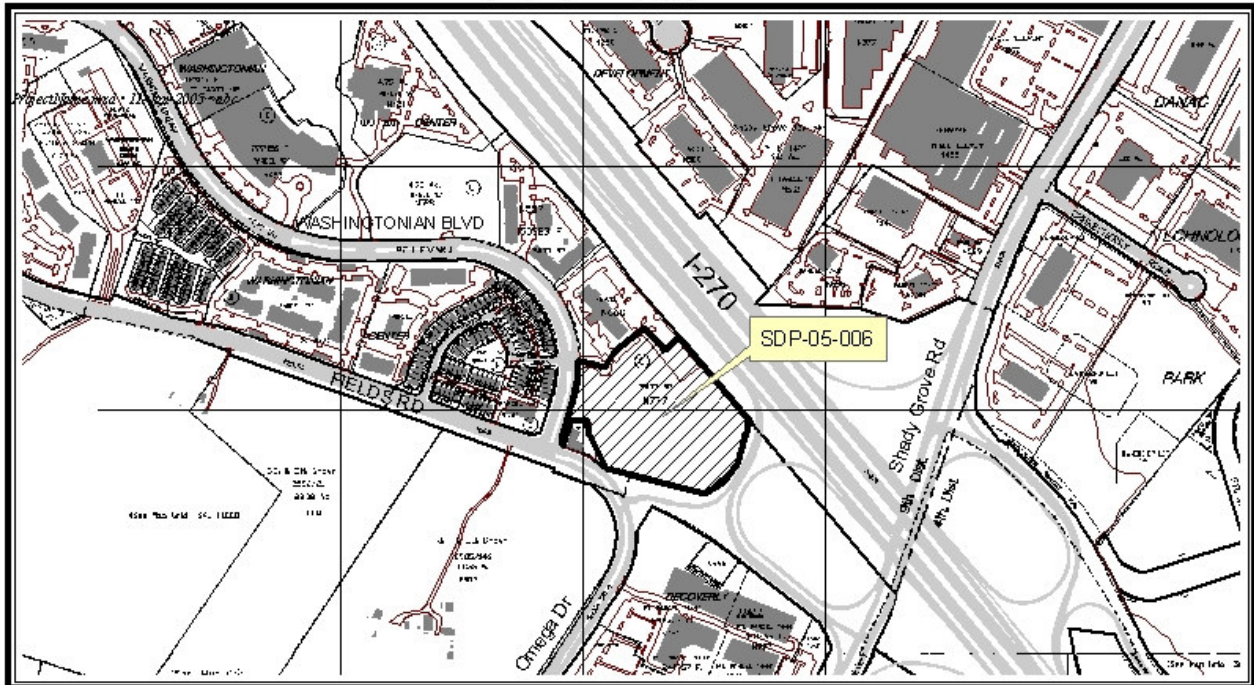
Washingtonian Ten

SDP-05-006

1 inch equals 83,333 feet
0 0 0 0 Feet
0 0 0 0 Meters



City of Gaithersburg
Planning and Code Admin
31 S Summit Ave
Gaithersburg, MD 20877
(301) 258-6330
www.gaithersburgmd.gov



TAX MAP REFERENCE:

Tax Sheet: FS 562

Tax ID Number: 09-03244450

Montgomery County Plat No. 20870

BACKGROUND:

The subject property was annexed into the City as part of the Washingtonian (X-159) in 1991. The Schematic Development Plan (identified as Exhibit I), which was part of the annexation agreement, designated this area for a 200,000-400,000-square foot six-to-ten story-office building and a three-to-five-level parking deck. In 1996, the M&CC reviewed an application to amend the Schematic Development Plan, identified as SDP-W1, which included the subject property. The request was for Residence Inn (extended stay hotel), 84 townhouses and 302 apartments. This request was modified by the applicant (at the guidance of the Mayor and City Council and Planning Commission) to only approve the Residence Inn. The proposed apartments encompassed the subject area and the property of the Springfield Suites Hotel (i.e., that would have been 302 units on 10.3 acres). At that time, the City was conducting the Neighborhood 3 Master Plan and adopted land use of

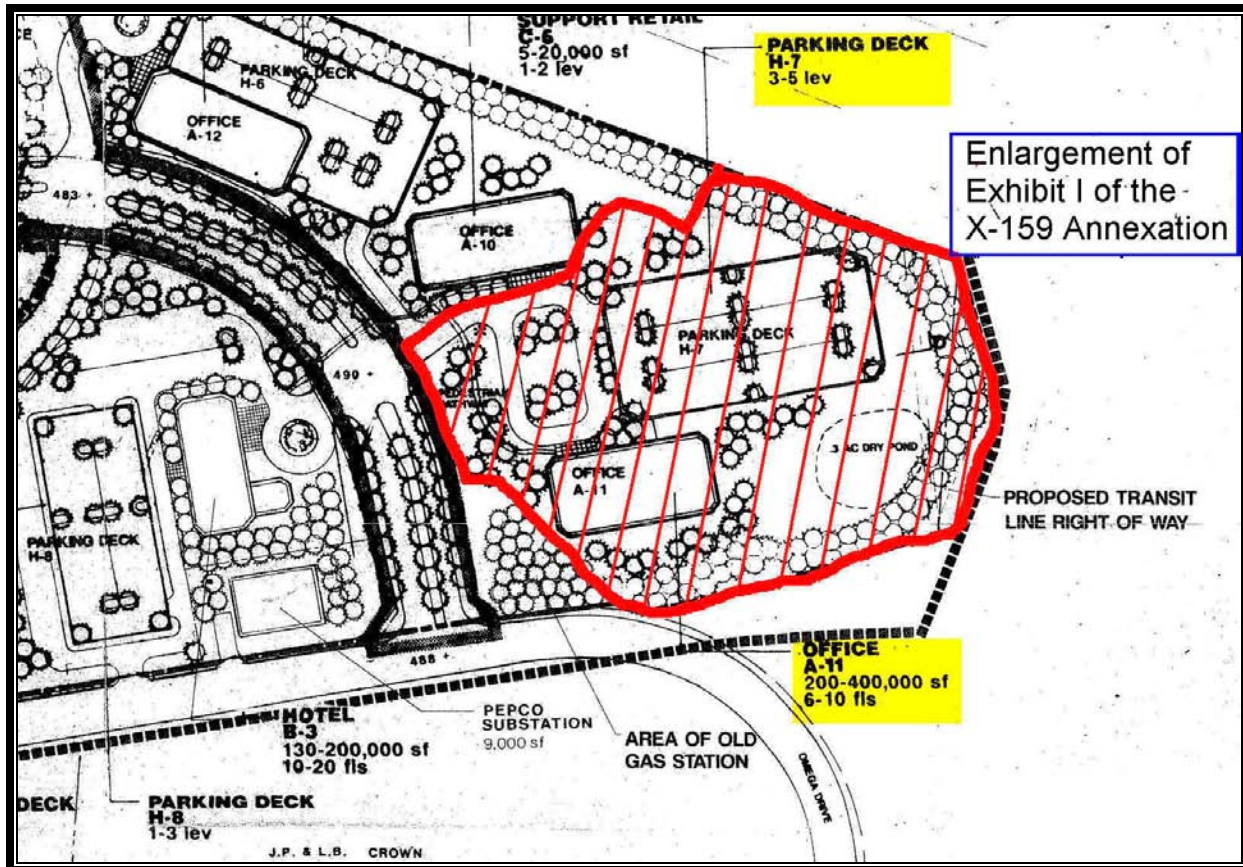
designation of *commercial/industrial-research-office* and *institutional* for the 10.3 acres. In 1998, the M&CC approved another amendment to the Washingtonian Center Schematic Development Plan, known as SDP-W4. This application included a 180-room hotel (the Springfield Suites Hotel), and two office buildings of 190,000 square foot and 160,000 square feet, and a parking structure for the 10.3 acres. An amendment to the annexation agreement was included as part of SDP-W4. Since then, the Planning Commission approved a Final Site Plan for the hotel (W-1113) and the offices (SP-02-0001), and an Amendment to Final Site Plan (AFP-02-038) for 350,000 square feet of office use. The offices were not constructed.

A Joint Public Hearing for another amendment to the Schematic Development Plan was held on May 16, 2005, to replace the approved 7.39 acre site for office space. The plan proposed 475 multi-family apartments and was identified as SDP-05-001. A Joint Work Session was held on July 25, 2005, in which the applicant revised the plan and presented a mixed use development. He was advised to resubmit for a new joint public hearing.

A public hearing on the Schematic Development Application was originally scheduled for November 14, 2005; however, a publishing error required the joint public hearing to be rescheduled to the December 5, 2005, Mayor and City Council meeting. This meeting was cancelled due to inclement weather. The joint public hearing was held by the Mayor and City Council and Planning Commission of the City of Gaithersburg on January 3, 2006. Notices were sent to property owners within 200 hundred feet and the property was properly posted. Minutes and a transcript of the meeting are exhibits of the record of this case. Also, the meeting may be viewed at www.gaithersburgmd.gov under Archived Mayor and City Council Meetings. Both the Council and the Planning Commission held the record open indefinitely. At their regularly scheduled meeting on January 18, 2006, the Planning Commission announced that their record would close on February 3, 2006.

ANNEXATION AGREEMENT

As stated above, this property is the subject of an Annexation Agreement executed in 1992. As part of the Agreement, Exhibit I, identified as a schematic development plan, shows land uses for the property. Below is an enlargement of that Exhibit highlighting the subject Property.



An Addendum to the Annexation Agreement was executed in 1998, which among other things, removed the Proposed Transit Line Right of Way that is shown on Exhibit I. That Addendum did not affect the density of use of the property, which allows 200,000 to 400,000 square feet of office use in a six-to-ten-story building with a three-to-five-level parking structure.

The original Agreement allows the parking for the development to be calculated with Montgomery County Standards for “both parking ratio and parking space size including credits for shared parking.” The original Agreement prohibits the City from requiring additional off-site improvement and /or development fees.

MASTER PLAN AND LAND USE

The subject property is part of the “Special Study Area 5: Washingtonian Center in the Land Use Plan” section of the *City of Gaithersburg 2003 Master Plan*. The property is identified as Map Designation 3.

The 2003 Master Plan states the following:

This map designation is located in the southern corner of the Washingtonian Center Study Area adjacent to I-270 and equals approximately 7.39 acres.

At this time, site plan SP-02-0001, Washingtonian Center South ñ Phase I has been approved by the Planning Commission on April 3, 2002. However, no construction or building permits have been approved. The approved site plan consists of a 190,000 square feet 7-story office building. Phase II would consist of a 160,000 square feet office building. The height of the Phase II office building should be limited to six (6) stories. Both office buildings shall be located on the front of the lot adjacent to Washingtonian Boulevard. A parking structure will be required to meet the parking requirements of the development and should be located behind the office buildings. A portion of Master Plan: Land Use Plan, the parking garage (minimum 40%) should be developed as part of the Phase I development.

If the above office project does not move forward, other commercial/industrialresearch-office and institutional uses will still be viable options for development. The commercial/industrial-research-office and institutional designation will allow for two office buildings equaling 400,000 square feet. Institutional uses may include a conference center, elderly housing, medical center, hospital, educational uses, or any similar uses. If commercial/office uses are built, ancillary retail, restaurants, recreational uses and institutional uses would be permitted.

ZONING:

The property of the subject development is located in the MXD (Mixed Use Development) Zone and, therefore, the SDP must comply with Section 24-160D. The surrounding property is also zoned MXD.

The MXD zone states the following in Sec. 24-160D.4.:

Density and intensity of development:

(a) Residential.

(1) The residential density in the MXD Zone shall not exceed the residential density or total number of dwelling units stated in the applicable master plan, if any. The total number of dwelling units and the corresponding overall density, as well as the approximate location of such units, shall be established at the time of sketch plan approval pursuant to section 24-160D.9(a).

At this time, the current Master Plan does not specify any residential units for the property. The SDP application seeks to amend the sketch plan/SDP to establish the location of the residential units.

Section 24-160D.4(b) requires that properties in the MXD Zone with commercial employment/industrial land use must not exceed density of a floor area ratio (FAR) of 0.75. Staff has asked the applicant to provide that information on the site plan. This would need to be done prior to any approvals.

ENVIRONMENTAL:
**Existing Land Physical Characteristics,
Natural Resources Inventory and Noise Analysis²**

The subject site is 7.39 acres (322,066 square feet). This site is a recently disturbed site evidenced by environmental features. The topography is fairly flat, with the borders sloping down to the adjacent parcels. The Soil profiles are composed of cut/fill materials. There are no streams or wetlands present; however, the soil composition materials result in poor drainage, witnessed by standing water during Staff site visits.

The majority of the site can be described as fallow field beginning secondary plant succession. This is illustrated by the vegetation: pioneering and invasive herbaceous species such as Japanese Honeysuckle, Multiflora Rose, Pokeweed, and numerous grasses and sedges. Other woody shrubs, brambles and young trees (Oaks and Pines two-inch average diameter at breast height [DBH] typical) are also found throughout the site.

A .94-acre (40,804 square feet) pioneer forest stand has established itself on the western portion of the property. The dominant species are established, but invasive, Tree of Heaven and Bradford Pears, with average sizes of approximately four inch-DBH. The 24-inch DBH specimen White Spruce is located within this stand. The retention priority of this forest stand is low.

The site is mostly bordered by previously planted ornamental cherries used for landscaping. The oldest trees face Washingtonian Boulevard and Fields Road. These ornamental cherries average 18-inch DBH. While many are in good shape, a number do show signs of stress such as dead limbs, trunk cankers, and splits. The younger cherries are aligned along I-270 and the I-270 exit ramp. They average ten-inch DBH, and are in good condition.

Due to the proximity of I-270, a noise analysis was performed by Miller, Beam & Paganelli Inc., between November 30 and December 1, 2005. The study found that the majority of the site experiences exterior average noise levels measuring 70 decibels (dBA). The northernmost section of the property, directly adjacent to I-270, experienced levels as high as 77.5 dBA. These levels all exceed the exterior 65-dBA City of Gaithersburg requirement established in the City *Environmental Standards for Development Regulation* (§34 and Appendix J). Any development on this site will require architectural and/or structural mitigation measures.

Afforestation/Forest Conservation:

Due to the size of the development most of the trees on site (including the cherry trees that border the site) are proposed to be removed. This would require 2.05 acres of afforestation/reforestation for the development. Although street trees are proposed for the private streets they would not be calculated towards that requirement and the plan needs to

² Prepared by Rob Robinson, Planner, City of Gaithersburg

be revised. Because there is limited open space on this plan due to its urban design, the applicant is proposing to pay a fee-in-lieu.

Stormwater Management

The site would be required to provide quality protection for the run-off of any stormwater in order to protect the downstream water resources. The Conceptual stormwater management (SWM) plan has been approved by the Department of Public Works, Park Maintenance and Engineering. The applicant will need to provide groundwater recharge and pre-treatment on site prior to the water flowing to the Washingtonian Lake for stormwater retention.

COMMUNITY FACILITIES:

Public Utilities

The applicant needs to provide a utility plan for the project prior to approval of the SDP. In addition, due to the proximity to the PEPCO substation, the applicant must provide additional public utility easements (PUE) for main trunk lines and service facilities.

Emergency Services

The Fire Marshal and Senior Plans Examiner for the City have expressed their concerns that this project does not comply with the City's Fire Safety Code for a number of reasons. These issues have not been resolved. Although the applicant has provided additional access to the residential portion of the project, this access does not provide adequate turning radii for emergency services vehicles. Direct access to the parking garage also needs to be provided.

Recreation & Open Space

The site plan shows an area of open space with a swimming pool within the multi-family condominium; however, sufficient information has not been provided to show that the swimming pool complies with Montgomery County pool and deck size requirements. This will have an impact on the amount of trees that can be located in this area. The rest of the green space is between the building and the I-270 right of way. The property does have the amenity of the Washingtonian Lake facilities. There are a number of paved plazas throughout the development, which was to be under private ownership, similar to those in other parts of Washingtonian Center.

EDUCATION:

The proposed SDP is within the Wootton Cluster of the Montgomery County Public School (MCPS) system. Students generated from the 348-unit Multi Family Condominium project would attend Fallsmead Elementary, Frost Middle School, and Wootton High School.

Student generation rates from past sampling of this type of apartment/condominium project with structured parking type of project consist of the following:³

Elementary (Kindergarten – 5th Grade) = 0.036 students generation rate per unit = 348 units x 0.036 = **13 students**

Middle School (6th – 8th Grade) = 0.016 students generation rate per unit = 348 units x 0.016 = **6 students**

High School (9th – 12th Grade) = 0.015 students generation rate per unit = 348 units x 0.015 = **6 students**

According to the *MCPS Superintendent's Recommended FY2007 Capital Budget and FY 2007-2012 Capital Improvements Program*, all these schools are over capacity. At this time, Fallsmead Elementary is programmed for a six-room addition to be completed by 2009. Frost Middle School is projected to be below its capacity by 2010. Wootton High School, is currently over capacity by 359 students and according to the projections in the current budget, it will be over capacity for the next fifteen years.

Therefore, the subject application does not meet the City's goal in maintaining 100 percent capacity level of a school without borrowing between MCPS school clusters. At this time there is no fund established to help mitigate overcrowding.

TRANSPORTATION:

Traffic and Roads

The original intent of the traffic assessment submitted (Exhibit #61) was to compare the approved development totals with what was being proposed, and seeing how that would impact traffic in the immediate area. These impacts are detailed on Table 1 of the report. It appears that while the capacity of the intersections in the immediate area will increase, acceptable traffic levels can still be maintained.

The property adjoins I-270. State Highway Administration in conjunction with their consulting engineers have begun a feasibility study of connecting the I-270/US 15 Multi-Modal Corridor Project with I-495 using Express Toll Lanes (ETL). Additional time has been requested to evaluate the impact on this development. At this time, the engineers did not know whether this study would show a need for additional right of way to accommodate the ETL.

³ Provided by Bruce Crispell, Director, Division of Long-range Planning MCPS Department of Planning and Capital Programming, January 2006.

Parking

The applicant has submitted sufficient evidence to show that their parking calculations comply with the requirements of the Annexation Agreement, which allows calculations based on Montgomery County Code requirements for parking (specifically Sec. 59-E-3.1 for shared parking). Therefore, a waiver would not be needed. Staff has not received sufficient exhibits such as an engineered or architectural plan of the parking garage structure to substantiate that the parking can be provided.

Transit

Ride On bus line 54 serves this property. This route connects to the Rockville METRO Station in an approximately 20-minute ride. The applicant has shown two locations for bus shelters: Omega Drive and Washingtonian Boulevard. As part of any SDP or site plan approvals, the applicant would be required to provide funding for these shelters.

The property is also within close proximity to the proposed Corridor Cities Transit (CCT). The CCT is master planned to traverse Fields Road and the adjoining Crown Farm.

Alternative Methods

The applicant has not shown locations for bicycle parking, which needs to be factored into the plan. In addition, should these building meet LEED (Leadership in Energy and Environmental Design) standards, credits can be granted for alternative fuel automobiles and preferred parking for these vehicles. The Washingtonian Town Center also provides many walking opportunities, and plans need to complete the connectivity of the site by incorporating additional sidewalks along Washingtonian Boulevard to connect with Fields Road and Omega Drive.

HOUSING:

The applicant has proposed to set aside 12.5 percent of the total number of condominium units under an Affordable Housing Program Agreement to be executed by the developer and the City. These units would be at the same proportion as the total mix of units and would be delivered “simultaneously with market rate units.”

STAFF RECOMMENDATION:

At this time, the Planning Commission should not recommend approval of the SDP to the Mayor and City Council because the residential land use of the plan is not in accordance with the 2003 City of Gaithersburg Master Plan land uses and, therefore, the plan does not comply with Sec 24-160D.4(a)(1) of the Zoning Ordinance.

The Planning Commission can recommend denying the plan or they can recommend that the Mayor and City Council consider revising the 2003 Master Plan for this special study area to accommodate the project. During that time, staff will continue to work with the applicant's team to resolve the outstanding issues with the Schematic Development Plan.